



Comptroller General  
of the United States

Washington, D.C. 20548

43672

## Decision

**Matter of:** Peirce-Phelps, Inc.

**File:** B-238520.2

**Date:** April 19, 1991

John W. Fowler, Jr., Esq., Saul, Ewing, Remick & Saul, for the protester.

Fred L. Sheridan, Department of the Navy, for the agency.

Stephen Gary, Esq., David Ashen, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### DIGEST

Protest that agency failed to evaluate proposed alternate "equal" items in brand name or equal procurement for shipboard information systems is sustained where agency engaged in technical discussions concerning alternate items and protester responded in its first best and final offer (BAFO) by amending alternate proposal to address agency comments; although protester's subsequent BAFOs did not specifically mention alternate items, the BAFOs stated that protester was letting its technical proposal stand as submitted, only revised the cost proposal in other areas of the specifications and did not withdraw the alternate proposal, while the agency failed to resolve any uncertainties through meaningful discussions.

### DECISION

Peirce-Phelps, Inc. protests the award of a contract to Techniarts Engineering under request for proposals (RFP) No. N00024-89-R-4263(Q), issued by the Naval Sea Systems Command, Department of the Navy, for shipboard information, training, and entertainment (SITE) systems. Peirce-Phelps alleges that the Navy improperly failed to consider the firm's alternate proposal which, as the low, technically acceptable proposal, should have been selected for the award.

We sustain the protest.

The RFP, issued in July 1989, called for four SITE systems, designated SITE Systems 200, 300, 400, and 500, reflecting various configurations of audiovisual components (such as video cassette recorders). In response to the solicitation, the Navy received proposals from Techniarts, Peirce-Phelps and